

Jeffrey Mandalis Copyright MMVIII)

-vs-)

The Peoples Gas Light and Coke Company)

Complaint as to billing/charges in)
 Chicago, Illinois.)

CHIEF CLERK'S OFFICE
 2008-0310
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 ILLINOIS
 COMMERCE COMMISSION
 No 941

COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS COMPLAINT


Now Comes the Complainant, Jeffrey Mandalis Copyright MMVIII All Rights Reserved,
 with a **COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS COMPLAINT**
 pursuant to the Rules of Practice before the Illinois Commerce Commission, and, in support thereof,
 states as follows:

1. The Complainant denies the Respondent's allegations in paragraph one ("1") and further affirmatively states that with the enactment of the Illinois Public Utilities Act, 200 ILCS 5/1-101, et seq, the Illinois General Assembly vested the general supervision of the utilities to the Illinois Commerce Commission. See 220 ILCS 5/4-101 (1993). Section 10-101 of the Public Utilities Act distinctly states that the Commission "shall have power to hold investigations, inquiries and hearings concerning any matters covered by the provisions of [the Public Utilities Act], or by any other Acts relating to public utilities subject to such rules and regulations as the Commission may establish." 220 ILCS 5/10-101 (emphasis added). The controlling language of Section 10-101 is mandatory and not permissive. Also, it has been specifically held that the regulation of services (e.g. Illinois Power Company v. Lynn, 50 Ill. App. 3d 77, 365 N.E. 2d 264 (4th Dist. 1977)); as well as the regulation of billings for utility service (e.g. Candlewick Lake Utilities Company v. Quinones, 82 Ill. App. 3d 98, 402 N.E. 2d 369 (2nd Dist. 1980); Peoples Gas Light and Coke Company v. Slattery, Ill. 31, 25 N.E. 2d 482 (1940), appeal dismissed, 309 U.S. 634, 60 S. Ct. 724 (1940)); are subjects of Commission authority.

2. The Complainant denies the Respondent's allegations in paragraph two ("2") and further affirmatively states that "Jeffrey Mandalis Copyright MMVII" is not a name but a name conveyed with notice of a claim, and also that this question has already been addressed in the record.
3. The Complainant accepts the Respondent's allegations in paragraph three ("3") and further affirmatively states that the Respondent has not cited any law requiring the Complainant to remit a balance owing with the credit of a third party, such as one of the member banks of the Federal Reserve System, instead of more of the Complainant's own credit, which the Respondent knowingly and willingly of the Respondent's own free will and accord, already used to accrue revenue at the par value of \$42.2222 per fine troy ounce of gold as a 'revenue' account and holds as an asset at the par value of \$42.2222 per fine troy ounce of gold as a 'receivable' account. Additionally, the Respondent has not provided any notice of dishonor of the credit draft of the Complainant to date.
4. The Complainant accepts the Respondent's allegations in paragraph four ("4") and further affirmatively states that while the credit of the Complainant may not be a 'legal tender' for payment of taxes to any of the United States of America, like the credit of the United States of America itself, or the credit of a member bank of the Federal Reserve System of the United States of America; and while the credit of the United States of America or a member bank of the Federal Reserve System may be circulating at a *market value* higher than the *market value* of the credit of the Complainant; that because the Respondent knowingly and willingly of the Respondent's own free will and accord, already used the credit of the Complainant to accrue revenue at the par value of \$42.2222 per fine troy ounce of gold as a 'revenue' account and holds as an asset at the par value of \$42.2222 per fine troy ounce of gold as a 'receivable' account - the Respondent received value from the Complainant. The value of the dollar is not arbitrary but determined by Public Law 93-110 of September 21, 1973, An Act to Amend the Par Value Modification Act, and equals \$42.2222 per fine troy ounce of gold. The Complainant is only required to remit value to the Respondent, and should the Respondent refuse to accept value, there is discharge of the obligation owing to the extent of the value pursuant to 810 ILCS 5/3-603 and Trebilcock v. Wilson, 79 U.S. 687 (1870).

5. The Complainant denies the Respondent's allegations in paragraph five ("5") and further affirmatively states all of the reasons cited in the response to paragraph one ("1") in addition to the fact that the Respondent does not seem to feel that customers have any rights to a hearing. This billing issue has been brought before the Commission in a formal complaint as required by the Illinois Public Utilities Act, 220 ILCS 5/10-101. Administrative remedies before the Commission must be exhausted before any judicial review may be had in the circuit court, 220 ILCS 5/10-201; Castaneda v. Illinois Human Rights Commission, 132 Ill. 2d 304, 547 N.E. 2d 437 (1989). Moreover, Section 10-201 of the Public Utilities Act requires appeal of an unfavorable Commission decision to the Illinois Appellate Court. See, 200 ILCS 5/10-201; also, Albin v. Illinois Commerce Commission 87 Ill. App. 3d 434, 437, 408 N.E. 2d 1145, 1148 (4th Dist. 1980), and Dvorkin v. Illinois Bell Telephone Company 34 Ill. App. 3d 448, 456, 340 N.E. 2d 98, 105 (1st Dist 1975) and unless the billing dispute in question is first brought before the Commission, there is no other forum to hear it.
6. The Complainant denies the Respondent's allegations in paragraph six ("6") and further affirmatively states that it is up to the Commission and not the Respondent to decide the matter.
7. The Complainant denies the Respondent's allegations in paragraph seven ("7") and further affirmatively states that despite the Respondent's wishes to deny the Complainant due process, hearing and adjudication of this billing dispute belongs before the Commission, as the Commission responded to the Respondent's verbal Motion to Dismiss during the informal hearing, and thus the Respondent's Motion to Dismiss Complaint should be denied, again.

Wherefore, the Complainant respectfully requests that the Respondent's Motion to Dismiss be denied.


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ICO Lock Box 805533 Chicago, Illinois 60680
(312) 330-3012

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STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

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-vs-)

2008-0310

The Peoples Gas Light and Coke Company)

Complaint as to billing/charges in)
Chicago, Illinois.)

NOTICE OF FILING

Upon this, the sixteenth day of the sixth month in the year of twenty zero eight (06/16/2008) a

COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS has been filed in the

above captioned proceeding with the Clerk of the Illinois Commerce Commission, at

527 East Capitol Avenue, Springfield, Illinois 62701.

Please take due notice thereof.



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ICO Lock Box 805533 Chicago, Illinois 60680
(312) 330-3012

CERTIFICATION OF SERVICE

Upon this, the sixteenth day of the sixth month in the year of twenty zero eight (06/16/2008)

the foregoing, **COMPLAINANT'S RESPONSE TO RESPONDENT'S MOTION TO DISMISS** has been

served to each person designated on the attached service list by electronic and/or first class mail

of the United States.

Please take due notice thereof.



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ICO Lock Box 805533 Chicago, Illinois 60680
(312) 330-3012

Ms. Elizabeth A. Rolando
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, Illinois 62701

Mr. John Riley
Administrative Law Judge
Illinois Commerce Commission
160 North LaSalle Street, Suite C-800
Chicago, Illinois 60601

Mark L. Goldstien P.C.
108 Wilmot Road, Suite 300
Deerfield, Illinois 60015

James F. Schott, Vice President
Regulatory Affairs
Peoples Gas Light and Coke Company
130 East Randolph Drive, 22nd floor
Chicago, Illinois 60601